

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

**NOTICE OF TENTATIVE RULING AND  
QUESTIONS FOR MOTIONS TO STAY PENDING APPEAL**

JOHN DOE,

Plaintiff,

v.

DONALD J. TRUMP, et al.,

Defendants.

Case No. [25-cv-03140-JSW](#)

Dkt. No. 81

S.Y., et al.,

Plaintiffs,

v.

KRISTIN NOEM, et al.,

Defendants.

Case No. 25-cv-03244-JSW

Dkt. No. 61

ZHUOER CHEN, et al.,

Plaintiffs,

v.

KRISTI NOEM, et al.,

Defendants.

Case No. 25-cv-03292-JSW

Dkt. No. 68

1 W.B.,

2 Plaintiff,

3 v.

4 KRISTI NOEM, *et al.*,

5 Defendants.

Case No. 25-cv-03407-JSW

Dkt. No. 47

6 J.C., *et al.*,

7 Plaintiffs,

8 v.

9 KRISTI NOEM, *et al.*,

10 Defendants.

Case No. 25-cv-03502-JSW

Dkt. No. 50

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13 TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD, PLEASE TAKE NOTICE  
14 OF THE FOLLOWING NOTICE OF TENTATIVE RULING AND QUESTIONS FOR THE  
15 HEARING SCHEDULED ON May 14, 2025, AT 9:00 a.m. The parties should not simply  
16 reargue matters addressed in their briefs and shall not file written responses to this Notice of  
17 Tentative Ruling and Questions. If the parties intend to rely on legal authorities not cited in their  
18 briefs, they are ORDERED to file a notice listing those authorities, with pin cites and without  
19 argument, by no later than 7:30 p.m. on August 21, 2025. The parties will be given the  
20 opportunity at oral argument to explain their reliance on such authority. The Court will make  
21 exceptions only for authority decided after that deadline. *Cf.* N.D. Civil Local Rule 7-3(d). The  
22 Court will call these cases together, and the parties will have the opportunity to address any facts  
23 or circumstances that may be unique to their case during the argument.

24 The Court is tentatively inclined to stay the universal scope of its injunction and to modify  
25 the arrest, incarceration, and transfer provisions as suggested by Plaintiffs. Because the Court did  
26 not permit written replies, Defendants may also respond to arguments in Plaintiffs' opposition that  
27 are not covered by the questions that follow.  
28

1. Defendants rely on *Trump v. CASA*, 606 U.S. --, 145 S.Ct. 2540, 2561-62 (2025) to argue they are likely to succeed on the merits of their argument that the Court was not authorized to issue a universal injunction. The Supreme Court “explicitly declined to extend its holding to the APA context[.]” *Immigrant Defs. Law Ctr. v. Noem*, -- F.4th --, 2025 WL 2080742, at \*15 (9th Cir. July 18, 2025). In *Immigrant Defenders*, the court granted the government’s motion to stay the nationwide scope of a stay issued pursuant to 5 U.S.C. section 705, reasoning that the *CASA* court’s “complete-relief principle for crafting injunctive relief provides some useful guidance for crafting interim relief in this case.” *Id.*

a. In light of the Ninth Circuit’s stance in *Immigrant Defenders*, what is Plaintiffs’ best argument that the Court should not grant Defendants’ motion to stay the universal scope of the injunction?

b. How do Defendants respond to Plaintiffs’ argument that the full scope of the injunction is the only way to set effectively stay and preserve the status and rights that existed prior to the agency action at issue?

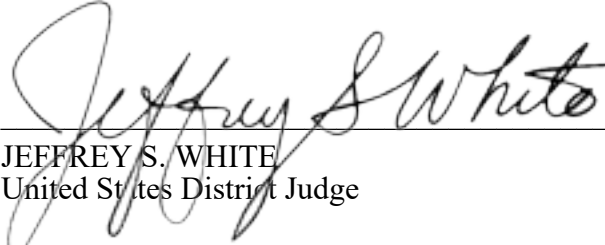
2. How do Defendants respond to Plaintiffs’ proposal regarding modifications to the “arrest and incarceration” provision of the injunction? Do Plaintiffs oppose similar modifications to the provision precluding transfer of Plaintiffs outside the jurisdiction of their residence? If yes, on what basis?

3. If the Court stands by its tentative ruling, do Defendants contend they still would be irreparably harmed in the absence of a stay? If so, on what basis?

4. Why should the Court consider Defendants’ argument regarding 8 U.S.C. section 1252(f) when they did not raise that argument in opposing the motions for preliminary injunctions?

**IT IS SO ORDERED.**

Dated: August 21, 2025

  
JEFFREY S. WHITE  
United States District Judge

United States District Court  
Northern District of California

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